

1 Dora V. Lane
Nevada Bar No. 8424
2 Steven J.T. Washington
Nevada Bar No. 14298
3 **HOLLAND & HART LLP**
9555 Hillwood Drive, 2nd Floor
4 Las Vegas, NV 89134
Phone: 702.669.4600
5 Fax: 702.669.4650
DLane@hollandhart.com
6 SJWashington@hollandhart.com

7 *Attorneys for Defendant*
8 *Lincare Inc.*

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 SALLY LENNON, an Individual;
12 Plaintiff,

13 v.

14 LINCARE INC., a Foreign Corporation;
DOES 1 through 25, inclusive; and ROE
15 CORPORATIONS 1 through 25, inclusive,
16 Defendants.

Case No. 2:23-cv-00105-RFB-BNW

**MOTION FOR EXTENSION OF TIME
FOR DEFENDANT TO RESPOND TO
PLAINTIFF'S COMPLAINT AND
ORDER
(FIRST REQUEST)**

17 Defendant, LINCARE INC., a Foreign Corporation ("Lincare"), by and through its
18 attorneys, Holland & Hart LLP, hereby submit this Motion for Extension of Time to Answer or
19 Otherwise Respond to the Complaint (First Request). Lincare has conferred with Plaintiff's
20 Counsel's office, who does not oppose the relief requested in this Motion. This is the first motion
21 to extend time to answer or otherwise respond to the Complaint. In support of this unopposed
22 Motion, the undersigned states as follows:

- 23 1. This matter was recently received by local Nevada counsel.
- 24 2. Lincare removed this action to this Court on January 19, 2023. *See* ECF No. 1.
- 25 3. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), the answer or other response is due by
26 January 26, 2023.
- 27 4. Counsel for Lincare is working diligently to verify important facts in order to be
28 able to respond to the allegations in Plaintiff's Complaint, but some facts remain to be ascertained.

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, 2ND FLOOR
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1 5. Counsel for Lincare contacted Plaintiff's counsel to discuss an extension for
2 Lincare to respond to the Complaint. *See Exhibit A.* However, Kyle Tatum, Plaintiff's counsel
3 responsible for this matter, was unavailable.

4 6. Counsel for Lincare called Plaintiff's counsel's office again to seek a stipulation to
5 extend the deadline for Lincare to file its responsive pleading. The receptionist for Plaintiff's
6 counsel's office stated that she spoke with Mr. Tatum and he approved Lincare's request for an
7 extension to respond to Plaintiff's Complaint. Again, Mr. Tatum unavailable to speak with the
8 undersigned. Following said conversation, the undersigned prepared an e-mail confirming the
9 parties' agreement and informing Plaintiff's counsel that a stipulation would be sent over for
10 Plaintiff's counsel's approval. *See Exhibit B.*

11 7. The undersigned sent over a stipulation for Plaintiff's counsel's review and
12 approval. However, as of this Motion, the undersigned has not heard back from Plaintiff's counsel
13 with respect to the proposed stipulation. *See Exhibit C.* In an abundance of caution, Lincare
14 submits this Motion to extend the deadline to respond to the Complaint. Lincare does not anticipate
15 that Plaintiff will oppose this Motion.

16 8. Local counsel needs additional time to meaningfully review the matter before
17 counsel can respond to the Complaint. As such, Lincare seeks a 14-day extension of Lincare's
18 response deadline. This Motion is filed in good faith and not for the purpose of delay.

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1 WHEREFORE, Lincare respectfully requests that this Court grant this Motion extending
2 Defendant's time to respond to the Complaint by 14 days. This matter was removed to this Court
3 on January 19, 2023. With the extension, the new deadline to answer or otherwise respond would
4 be February 9, 2023. This is Lincare's first request for extension.

5 DATED this 26th day of January 2023.

6 **RESPECTFULLY SUBMITTED:**

7 DATED this 26th day of January 2023.

8 **HOLLAND & HART LLP**

9 /s/ Steven J.T. Washington

10 Dora V. Lane

11 Nevada Bar No. 8424

12 Steven J.T. Washington

13 Nevada Bar No. 14298

14 9555 Hillwood Drive, 2nd Floor

15 Las Vegas, NV 89134

16 DLane@hollandhart.com

17 SJWashington@hollandhart.com

18 *Attorneys for Defendant*

19 *Lincare Inc.*

20 **ORDER**

21 **IT IS SO ORDERED**

22 DATED January 27, 2023

23 

24 UNITED STATES DISTRICT COURT JUDGE

HOLLAND & HART LLP
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LAS VEGAS, NV 89134

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of January 2023, a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME FOR DEFENDANT TO RESPOND TO PLAINTIFF'S COMPLAINT AND ORDER (FIRST REQUEST)** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the United States District Court, District of Nevada's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Patrick W. Kang, Esq.
Kyle R. Tatum, Esq.
Paul H. Wolfram, Esq.
Yoo Jin S. Cheong, Esq.
KANG & ASSOCIATES, PLLC
6420 Spring Mountain Road, Suite 16
Las Vegas, NV 89146
Email: pkang@acelawgroup.com
ktatum@acelawgroup.com
pwolfram@acelawgroup.com
filing@acelawgroup.com

Attorneys for Plaintiff

/s/ Kristina R. Cole
An Employee of Holland & Hart LLP

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, 2ND FLOOR
LAS VEGAS, NV 89134

INDEX OF EXHIBITS

Exhibit	Description	Page Nos.
Exhibit A	Email to Kyle Tatum dated January 26, 2023	001 – 002
Exhibit B	Email to Kyle Tatum Re: preparing a Stipulation for Approval dated January 26, 2023	003 – 004
Exhibit C	Email to Kyle Tatum Re: following up with respect to the proposed stipulation dated January 26, 2023	005 - 007

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